IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

SA.No. 252 of 2003(E)

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AS.164/1995 of DISTRICT COURT, PALAKKAD
OS.686/1993 of ADDL.MUNSIFF COURT, PALAKKAD

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APPELLANT: 4TH APPELLANT/5TH DEFENDANT

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THIRUVAVAKKARASU,
S/O. PAZHANIYAMMAL, VARATHAD DESOM,
KAVILPADAM VILLAGE, PALAKKAD.

BY ADV. SRI.N.P.SAMUEL

RESPONDENTS: RESP.1&2 & APPELLANTS 1 TO 3,5 &6 IN AS/PNTF.& DEF

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1. BALASUBRAMANIAN,
S/O. MARUTHACHALA KOUNDER, 35/49,
MALAMPUZHA ROAD, OLAVAKKODE, KAVILPAD, PALAKKAD.
(Died. LRs impleaded - R8 to R11)

2. GANESAN, S/O. LAE MARUTHACHALA KOUNDER
VAIDHYA SAMIYAR ASHRAM, NEAR RAILWAY GATE
SANKUVARAMEDU, KALPPATHY, PALAKKAD.

3. MURUGAN,S/O. LATE MARUTHACHALA KOUNDER (Died)
35/48, MALAMPUZHA ROAD, KAVILPAD AMSOM,
OLAVAKKODE, PALAKKAD.
(It is recorded that R3 died and all his legal representatives are already in the party array vide order dated 7.9.04 in Statement of 3078/00 dated 25.6.04)

4. PAZHANIYAMMAL, W/O. SHANMUGHAN, 35/49,
MALAMPUZHA ROAD, KAVILPAD AMSOM,
OLAVAKKODE, PALAKKAD.

5. MARUTHACHALAM ALIAS KANNAN,
S/O. PAZHANIYAMMAL, 35/49, MALAMPUZHA ROAD,
KAVILPAD AMSOM, OLAVAKKODE, PALAKKAD.

6. RAJALAKSHMI, D/O. PAZHANIYAMMAL,
35/49, MALAMPUZHA ROAD, KAVILPAD AMSOM,
OLAVAKKODE, PALAKKAD.

7. RAVI, S/O. KUNJU, DOOR NO.35/48,
MALAMPUZHA ROAD, KAVILPAD AMSOM, OLAVAKKODE,
PALAKKAD.
(The name of 7th respondent is deleted from the party array at the risk of the appellants as per order dated 7.4.2003 in C.M.P.1126/03)

ADDL. RESPONDENTS R8 TO R11

8. SMT.RAJESWARI, W/O LATE BALASUBRAMANIAM,
HOUSE NO.50/682, MALAMPUZHA ROAD,
OLAVAKODE JUNCTION,
OLAVAKKODE P.O., PALAKKAD

9. MR. SANTHA KUMARAN, S/O BALASUBRAMANIAM,
HOUSE NO.50/682
-DO- -DO-

10. SARAVANAM, S/O BALASUBRAMANIAM,
-DO- -DO-
(Addl.R10 died. Respondents 8,9 and 11 are recorded as legal representatives of deceased R10 as per order dated 3.8.2007 on I.A.1390/07)

11. THANKARAJ, (MINOR AGED 16 YEARS)
S/O BALASUBRAMANIAM, REP. BY HIS MOTHER AND
GUARDIAN SMT. RAJESWARI, HOUSE NO.50/682
-DO- -DO-
(Additional respondents 8 to 11 impleaded as legal representative of the deceased 1st respondent as per order dated 9.1.07 on I.A.2138/06.)

BY ADV. SRI.B.K.PURUSHOTHAMAN
SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.PADMANABHAN NAIR, J**

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S.A. 252/2003

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Dated this the 29th day of October, 2007

**JUDGMENT**

When the Second Appeal is taken up for hearing, it is submitted by the learned counsel on either side that the matter has been settled out of Court. The parties have filed a compromise petition. Today, I have allowed that application and recorded the compromise.

2. In view of the terms of compromise, the Second Appeal is allowed. The decrees passed by the Courts below are hereby set aside. The suit is decreed in terms of the compromise. The terms of compromise will form part of the decree.

**K.PADMANABHAN NAIR**
**Judge**

mrcs